



westmont.illinois.gov

## Community Development Department

31 West Quincy Street • Westmont, Illinois 60559  
Tel: 630-981-6250 Fax: 630-968-8610

### Village of Westmont Planning and Zoning Commission March 9, 2016 - Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, March 9, 2016 at 7:00pm, at the Westmont Village Hall, 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Ed Richard led in the following:

#### **(1) Call to Order**

**In attendance:** Chair Ed Richard, Commissioners Craig Thomas, Gregg Pill, Thomas Sharp, Janis Bartel, Doug Carmichael, Secretary Wallace Van Buren, Community Development Director Jill Ziegler, Planner Joseph Hennerfeind

**Absent:** NONE.

#### **(2) Pledge of Allegiance.**

#### **(3) Swearing in of testifying attendees and reminder to sign in.**

#### **(4) Reminder to silence all electronic devices.**

#### **(5) Approval of Minutes.**

#### **(6) Approval of Minutes of the February 10, 2015 meeting.**

Motion to approve the Minutes of the February 10, 2015 meeting.

Motion: Pill

Second by: Bartel

#### **VOTING--Minutes**

Thomas--Yes

Sharp--Yes

Van Buren--Yes

Bartel--Yes

Carmichael--Yes

Pill--Abstain

Richard--Abstain

Motion passed.

#### **Old Business**

None.

## **New Business**

### **PZ 16-005 Village of Westmont regarding a Zoning Code text amendment for the following:**

(A) Amend Appendix A, Section 7.06 of the Westmont Zoning Code regarding the B-3 special development district to allow for residential uses as a special use.

**PRESENTATION:** Hennerfeind explained that the Village was approached by Hilton owners to diversify the uses of property. B-3 was specific to the that property when it was developed. Over time the property has added some residential area to the property and an R4 area was carved out in center. It is being reviewed on whether the Hilton can make the request for a special use to allow residential and the amenities for the residential, but it was noted that there is still a lot of work and details to figure out. The B3 should be conscience of allowing amenities, walking trails, etc. for the residences. Staff is presenting the amendment for the special use.

Attorney for the Harp Group, Dan Shapiro stated that he would like to echo what staff presented and they have been consulting with staff on the concerns and how to address them for the residents. They would be the beneficiary of the amendment.

Chairman Richard stated that there is no formal request to build any residential buildings, this is only to amend the code in terms of a B3 district.

**PUBLIC COMMENT:** Jonathon Wasell, representative of the corporate entity for the condominium association, stated that the amendment is premature. This text amendment would go against the purpose of the B3 district, which does not allow for residential. Their position is that until a traffic study and other plans are reviewed that the code should not be amended. There is possible traffic congestion and affects to the surrounding area. In effect, the amendment would be rezoning the B3.

Brian Butler, 19 Willowcrest resident next to Oak Brook Hills. He stated that he would like to focus on the text itself, not the development. He stated he does not understand why there would be text to downgrade a property, as it would allow other commercial properties to add residential areas to parking lots. He stated that any parking spaces taken by the development, should have to be made up in the plans, not just taken away.

Kappy Fisher, 27 Willowcrest resident, stated she has two concerns. The first being the quality of life and affect on property values on the current residents of Oak Brook Hills. There is one road in and out of the development, if they added a multi family units it could affect emergency services and security concerns. She stated adding multi family units would decrease their property value.

Laurie Pearsall, 46 Willowcrest resident, stated that she is very concerned by the increase in density of the area. If there were 350 apartments that potentially adds 350-700 new bodies to their area. Where will these additional people walk their dogs, go outside, etc? They are already have the effect of the wedding weekends at hotel, music, many added people when the hotel is busy, additional people will cause additional problems.

Simi Sachdeva, 24 Willowcrest resident, stated that adding an additional building in that area is like adding a city by itself and the area is small to accommodate such a place. The size of buildings, pool and that there is only one road into it is very much a concern.

Shapiro commented that he appreciates the comments of the residents but it is premature in that they are still talking about the text amendment and not the building itself. He did also mention that the die has already been cast in that there is already a R4 district in the area. There are two options, rezone another area for residential, or the text amendment for special use which would give the Village more control and that they can add special conditions to instead of a straight rezoning.

Butler asked for clarification on the original zoning of the R4 area. Ziegler replied that it was B3 with use for offices.

Tom Reynolds, 42 Willowcrest Drive resident, he stated that the hotel does need all of the existing parking. It is very common that the hotel parking lot is often jam packed so eliminating any portion would cause an impact to the hotel and the surrounding community.

Attorney William Suriano on behalf of one of the residents, asked for an understanding on how the text amendment if it went into effect would proceed and the next steps for the residents to be allowed to voice their concerns. Village Attorney replied that the next step would be the developer would need to get their request into Village by deadline that it could possibly be at the April meeting where the petitioner would present their plans, there would be a public hearing where they would allow for comments and the commission would make a recommendation to the board, which would vote at the May meeting. It was stated that all property owners within 250ft of the property would be mailed a letter, it would be posted on Village website and posted in the newspaper.

Katie Canino, 15 Willowcrest Drive, stated that the parking lot is crowded. If the amendment is passed whether it is this developer or another the loss of parking would have a great impact and setting hotel up for failure.

Butler asked if there has ever been a text amendment where commercial district was downgraded to residential. He mentioned that changing the code will allow for any car dealer or other commercial property owner to request special use, as opposed to making them go through the due process of rezoning. Commissioners commented that they have done other text amendments but not to downgrade a commercial property. It was also mentioned that this is the only B3 district in the area, so it does not open the code to allow other commercial areas to request residentials in their parking lots.

Andrea Ferrara, 14 Willowcrest Drive resident, requested that the commission hold off until there is more knowledge and research on what this development and text change would impact.

**STAFF COMMENT:** Ziegler commented that when Harp group approached the Village, staff felt that breaking up process into two parts would allow the board to review the text amendment prior to the developer spending thousands to draw up plans to see if the board was even receptive to amending the text.

**COMMISSIONER COMMENT:**

Bartel: mentioned that this is a lot of information and appreciates the public comment as she sees both sides and though it is just the amendment that they are discussing tonight it obviously involves a much bigger picture. Right now she likes the idea of the amendment and the staff oversight but also wants to hear the other commissioners.

Sharp: clarified that this is only B3 and only this area is zoned B3. He commented that when you read the text of the B3 district residential area clearly does not fit in this type of area. However, by adding the R4 area in the center has opened the door to allow this area to change. He is torn but is considering that the R4 being already there is warrants consideration.

Thomas: mentioned that they are being asked to wait for more specific details on what is being proposed. However, if the text amendment is voted down, there would be no plans to be proposed and no one will get to see the plans. If the amendment went through the proposal would have to come in front of board and the developer would have to do their due diligence to address the concerns on parking, etc. He will needs to be convinced strongly about residential and there is precedent with it already there, but still needs to see a good plan.

Pill: clarified that commission is a recommending body that the Village board will still vote on whether

they support the text amendment or not. He pointed out that there are current homeowners who benefited from the rezoning now requesting that no additional residential area be added. He does agree with Thomas that if they don't allow the amendment, then the plans will never be seen. He also mentioned that the developer could come back with a plan for 10 story office building because that is allowed in B3, which could potentially be a bigger situation. He has requested the parking study and market analysis, those are expensive and there has to be some potential that this could move forward to warrant those studies. He mentioned that a B3 calls for decreased dependency as these will not be self sustaining apartment that would be one reason not to look at it. He also mentioned that we have a large percentage of multi family housing in Westmont, but that is something to review in second half of this process. He has attended events at the hotel and is aware that the parking lot is often full and he as a commissioner will make sure the density issue is addressed, parking is addressed and the wall into the complex is addressed.

VanBuren: mentioned that the commission was asked to delay the amendment until the additional studies were done, but if the amendment did not go through there would be no additional proposals or studies to be reviewed. He is hesitant about the text amendment.

Carmichael: commented that if we say no to the amendment what is the next step. Attorney: the Village board would need to vote yes or no on the amendment. If they said no, it would then be up to the developer to decide if they wanted to request a rezone. Carmichael asked if the owners of golf course closed could they also move forward on adding residences if they had the amendment. Attorney replied that they would still need to get a special use permit.

Richard: read a portion of the B3 description. If we were to recommend this text amendment, he could foresee a future where the golf course does close and many more residences being requested for special use. He stated that they did a long and thorough job with the golf course and it is one of their premiere properties. He mentioned warning that we cannot limit this in context to one specific building, as the amendment could open door for many buildings. He asked attorney about apartments or condos, the only apartments in the Village were incorporated into the Village after they were complete by county, Village has never approved apartments. Attorney the way that it is worded it would be approved for all r4 uses. Richard commented it would need to be re-worded as he could not vote for it if it allowed apartments. He also read a paragraph regarding setbacks. Attorney mentioned that this is on the interior setbacks and any place where it backs up to any other area. Richard clarified that there could be potentially zero setbacks.

Hennerfeind clarified that there would still need to be internal setbacks between buildings, there is a setback maintained on the perimeter and existing residences. Ziegler mentioned each of the individual lots have their own setbacks. Richard mentioned that this leaves it ambiguous if it is not in writing and left over. Ziegler this will allow the Village to place special conditions on each proposal as site plans are proposed and reviewed. The commission would have to impose the special conditions.

Bartel: appreciates the additional input from the commissioners, her personal feeling is that it is too ambiguous and she would want to have more information. Attorney asked for clarification on what ambiguity. She replied that the parking is an issue and does not see how they could add that many people and not have issues.

Thomas: he would like to see the plans and the only way the plan gets seen is if the amendment goes forward and then they can do their job as commissioners and oversee those plans to make sure they are reviewed appropriately.

Sharp: agrees with Bartel that the text seems out of line and does not fit in the context of the B3, need differentiating between property and the zoning and have more direction on what the purpose of this area would be. He suggested to work within constraints of the area instead of just criticizing what is

presented to them.

Richard: addressed Sharps comments that this property was originally set up to be Westmont's premier location with hotel and almost world class golf course. If we were to recommend this would the golf course be cut, would more condos come in how much could be affected by this amendment.

Thomas said that they will still have control to review those plans. Sharp is not opposed but just wants more information.

VanBuren: opposed to residential in that area.

Carmichael: does this amendment set a precedent to other residential proposals in the future.

Sharp: no one has said that they are closing the golf course and even if that was proposed they don't have to approve it, but without the amendment you won't even get to see plans.

Pill: clarified that the Hilton is the operator of the hotel, but is not actual owner of the property.

### **MOTION A**

Motion to recommend to the Village Board of Trustees to approve to Amend Appendix A, Section 7.06 of the Westmont Zoning Code regarding the B-3 special development district to allow for residential uses as a special use.

Motion by: Pill

Second by: Thomas

### **VOTING A**

Van Buren--No

Sharp--No

Thomas--Yes

Bartel--No

Carmichael--Yes

Pill--Yes

Richard--No

Motion did not pass.

### **PZ 16-004      SKE Property Investments regarding the property located at 230 South Cass Avenue, Westmont, IL 60559 for the following:**

(A)      Zoning Code Variance request for relief from the minimum square feet per building in an R-4 General Residence District.

(B)      Zoning Code Variance request for relief from the maximum allowable density in an R-4 General Residence District.

(C)      Site and Landscaping Plan approval to build a new single-family semi-detached dwelling.

**PRESENTATION:** Ian McDonald architect requested two variances to allow for single family detached dwelling on this parcel. He mentioned that what they are proposing is very similar to other buildings on the street. They did change the front elevation to all brick instead of brick and siding.

**PUBLIC COMMENT:** Kurt Van Dam faces the property and his concern is about the stormwater as when it storms that lot floods and if they cover up a good portion of the lot where will the water go.

Hennerfeind responded that engineering will be looking at best practices and incorporated a vault for water stormwater and their proposal meets the lot coverage requirements. Water is stored in vault and released over time.

Kurt Newsbaum, 234 S. Cass, resident south of proposed building. He mentioned that the earth underneath his building has decreased 3-4 inches to the north. They have suffered foundation cracks, driveway issues and reduction of the earth. He would like to be involved with engineering to find out how to stop the migration of the earth going downhill. Ziegler stated that they can connect him and put him in touch with engineering. He did also mention that when they purchased they did not expect to be surrounded by multi family homes and the potential decrease to property value. There is no swale/ditch between his property and property to south. Attorney mentioned that he is entitled to view the engineering for this property but clarified that the engineering will not resolve the issues on entire block since the water is washing from uphill of his home.

Robert Sizowski, 220-226 properties, mentioned that they have had flooding in their basements on their properties. Van Buren inquired if it is coming up through drainage or seepage. If it is coming through the sewer drain it is a different problem than if it is seepage. Resident was not sure of where the water was coming from.

**STAFF COMMENT:** Hennerfeind stated that the lot is a little over 9000 sq ft in order to allow a single family semi-detached, code allows for 12000 sq ft so this does not meet that requirement and based on number of bedrooms it does not meet the density requirement as well. There is existing precedent that are very similar, but the difference is that the requestor is not asking to subdivide the lot so it is maintaining the lot size of the area. As mentioned it was requested that the full facade was brick and though not required they have acknowledged the request.

**COMMISSIONER COMMENT:**

Van Buren: asked if the stormwater issue would improve. Reply: it may not improve it but will not make it any worse and now water would be contained instead of just running over the surface. Van Buren asked about whether other units were 3 bedrooms and if they had not split lot would they be similar. Hennerfeind confirmed that yes the other units were three and only difference would be that they split the lot.

Carmichael: asked if they were two bedroom units if they would not need the variance. Hennerfeind replied that at two bedrooms it would pass for one variance, but still would not meet lot variance. Attorney asked why three bedrooms instead of two. Architect response is marketing and appeal to buyers if three.

Pill: asked why they didn't show brick facade on proposal from the beginning based on other homes. Reply: it was just trend now in building. Pill asked if there were trees removed. Reply: yes the trees were a hazard because they were dead. Pill mentioned Fleck was surprised that the trees were removed. Staff commented that Fleck will follow up and if trees need to be replaced. Pill commented that they hope they stick to plans and engineering so that there are not any further problems.

Thomas: in support of the request and appreciates the addition of the brick.

Sharp: also thinks it is a good project. He did inquire about why the lots were not going to be subdivided. Reply: he asked what the advantage of splitting the property. Staff reply: it would allow the individual of each duplex to sell the property.

Bartel: supports the request.

Richard: mentioned that if he postpones the hearing he can update his paperwork and re-submit to have the lot subdivided.

### **MOTION A**

Motion to postpone to the April 13th meeting.

Motion by: Van Buren

Second by: Sharp

### **VOTING A**

Van Buren--Yes

Sharp--yes

Thomas--Yes

Bartel--Yes

Carmichael--Yes

Pill--Yes

Richard--Yes

Motion passed.

### **(8) Motion to adjourn.**

Motion by: Pill

Second by: Thomas

**Meeting adjourned 8:49pm.**